

LPDES PERMIT NO. LA0003034, AI No. 1305

LPDES FACT SHEET and RATIONALE
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

- I. **Company/Facility Name:** Alma Plantation, LLC
4612 Alma Road
Lakeland, Louisiana 70752
- II. **Issuing Office:** Louisiana Department of Environmental Quality
(LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
- III. **Prepared By:** Sonja Loyd
Industrial Permits Section
Water Permits Division
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Date Prepared: August 4, 2009, revised February 23, 2010

IV. **Permit Action/Status:**

A. Reason For Permit Action:

Proposed reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301, 4901, and 4903.

- B. LPDES permit - Effective date: April 1, 2004
Expiration date: March 31, 2009
EPA has not retained enforcement authority.
- C. Application received on March 31, 2009 with addenda received on September 16, 2009 and December 8, 2009. Additional information received via e-mail correspondence on January 19, 2010.
- V. **Facility Information:**
- A. Location - 4612 Alma Road in Lakeland, Point Coupee Parish
(Latitude 30°36'0.7", Longitude 91°23'25").

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B. Applicant Activity -

According to the application, Alma Plantation, LLC, is an existing raw cane sugar factory that produces raw cane sugar and molasses.

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Guideline

Reference

Louisiana Raw Cane Sugar

40 CFR 409, Subpart D

Raw Cane Sugar Processing

LAC 33:IX.707.D.2

Other sources of technology based limits:

Current LPDES permit (effective April 1, 2004)

TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin (finalized April 2, 2008)

Best Professional Judgement

D. Fee Rate -

1. Fee Rating Facility Type: Major
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 2061

VI. Receiving Waters: Stumpy Bayou (Outfall 001) and Bayou Poydras (Outfall 003)

1. TSS (15%), mg/L: 4.15
2. Average Hardness, mg/L CaCO₃: 141.4
3. Critical Flow, cfs: 0.1
4. Mixing Zone Fraction: 1
5. Harmonic Mean Flow, cfs: 1
6. River Basin: Terrebonne River, Subsegment No. 120102
7. Designated Uses:

The designated uses are primary contact recreation, secondary contact recreation, and fish and wildlife propagation.

Information based on the following: LAC 33:IX Chapter 11 and memorandum from Todd Franklin to Sonja Loyd dated June 11, 2009. See Appendix C.

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VII. Outfall Information:

Outfall 001

- A. Type of wastewater - barometric condenser cooling water and stormwater runoff
- B. Location - at the point of discharge from the southeast corner of the final treatment facility prior to combining with the waters of Stumpy Bayou at Latitude 30°34'33", Longitude 91°22'08".
- C. Treatment - treatment of these wastewaters consists of:
 - aerated lagoon
- D. Flow - Seasonal, (Max 30-Day) 17.4 MGD
- E. Receiving waters - unnamed ditch, thence to Stumpy Bayou, thence to Bayou Poydras
- F. Basin and subsegment - Terrebonne River Basin, Subsegment No. 120102

Outfall 003

- A. Type of wastewater - cane washwater, stormwater runoff, and de minimis amounts of sanitary wastewater
- B. Location - at the point of discharge from the southeast corner of the final storage pond prior to combining with the waters of Bayou Poydras at Latitude 30°34'31", Longitude 91°23'27".
- C. Treatment - treatment of these wastewaters consists of:
 - settling
- D. Flow - Seasonal, (Max 30-Day) 2.02 MGD
- E. Receiving waters - unnamed ditch, thence to Bayou Poydras
- F. Basin and subsegment - Terrebonne River Basin, Subsegment No. 120102

VIII. Proposed Permit Limits:

Summary of Proposed Changes From the Current LPDES Permit:

A. Outfalls 001 and 003

The TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin were finalized on April 2, 2008. According to the TMDL assessment for Subsegment No. 120102, the monthly average concentration limit for BOD₅ has been reduced from

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10 mg/L to 5 mg/L. Monthly average mass limits were also assigned to this permittee using the monthly average concentration limit of 5 mg/L and the flow rates from the TMDL assessment. However, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams. The daily maximum concentration limit will also be reduced from 15 mg/L to 10 mg/L by BPJ taking into consideration the reduction required by the TMDL assessment.

The *TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, TDS, Sediment, TSS, and Turbidity for Selected Subsegments in the Terrebonne Basin* were finalized on April 19, 2007. According to the TMDL assessment for Subsegment No. 120102, a daily maximum mass limit for TSS was assigned to this permittee using the daily maximum concentration limit of 50 mg/L from the current permit and the flow rate from the TMDL assessment. Although the TMDL did not specify a particular outfall, it was assumed by BPJ that the mass limit applied to both outfalls (combined). However, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams.

A total annual TSS discharge limit of 0.94 lbs/ton of TSS per ton of gross cane ground during the last season in which cane was ground will be added to the Part II Conditions in accordance with 40 CFR 409, Subpart D [409.42(b)]. A reporting requirement will also be added to the Part II Conditions that requires the permittee to report on an annual basis the total pounds of TSS discharged, the total number of days that a discharge occurred, and the tons of gross cane ground during the last season in which cane was ground. This requirement was included in the 2003 Statement of Basis; however, it was inadvertently omitted in the current permit. See Part II.H and Attachment A of the draft permit.

The monthly average limit for Dissolved Oxygen will be increased from 4 mg/L to 5 mg/L based on the *TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin* which were finalized on April 2, 2008.

The monitoring requirements for Total Nitrogen and Total Phosphorus will be removed from the draft permit since the impairment for nutrients was addressed in the *TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin* which were finalized on April 2, 2008. According to the TMDL assessment for Nutrients, water quality data for Total Phosphorus, Nitrate-Nitrite, and Total Kjeldahl from non-nutrient impaired subsegments were compared against data for the nutrient-impaired subsegments identified in the TMDL. As a result, no nutrient

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reductions were deemed necessary since the total nitrogen to total phosphorus ratio and mean concentrations in the nutrient-impaired subsegments were within the ratio and mean concentration ranges for the non-impaired subsegments. Therefore, the monitoring requirements for Total Nitrogen and Total Phosphorus will be removed from draft permit.

- B. A provision will be added in Part II.H which requires the permittee to submit analytical data for Outfall 003 as required by the Water Quality Regulations in accordance with Section III.C.4 of the IND Application. This provision will require the facility to submit analytical data within two (2) years after the effective date of the permit. Upon submittal of the analytical data, the LDEQ may choose to modify this permit to change the effluent limits based on this information.
- C. The provision in the Part II conditions that required submittal of DMRs to the appropriate Regional Office will be removed from the draft permit since all DMRs sent to the Office of Environmental Compliance/Permit Compliance Unit are now scanned into the Electronic Document Management System (EDMS) which is accessible to all LDEQ personnel.
- D. The permittee's fee rating points will be changed from 72.9 to 99.6 based on the current LDEQ policy for calculating fee rating points for sugar mills. The fee rating points will be increased as a result of using the Max 30-Day flow rate in the calculations for computing fee rating points which is consistent with the methodology used in LPDES permits for other facilities with individual permits.

IX. Permit Limit Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(1)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

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B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS, CONDITIONS, AND MONITORING REQUIREMENTS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. The following is a rationale for types of wastewaters. See outfall information descriptions for associated outfall(s) in Section VII. Regulations also require permits to establish monitoring requirements to yield data representative of the monitored activity [LAC 33:IX.2715/40 CFR 122.48(b)] and to assure compliance with permit limitations [LAC 33:IX.2707.I./40 CFR 122.44(I)].

Outfall 001 - barometric condenser cooling water and stormwater runoff

Outfall 003 - cane washwater, stormwater runoff, and de minimis amounts of sanitary wastewater

Alma Plantation, LLC is subject to Best Practicable Control Technology Currently Available (BPT) and Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines listed below:

Manufacturing Operation

Guideline

Louisiana Raw Cane Sugar

40 CFR 409, Subpart D

Raw Cane Sugar Processing

LAC 33:IX.707.D.2.c

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	Continuous
BOD ₅	---	---	5	10	1/week
TSS	---	---	---	50	1/week
Dissolved Oxygen	---	---	5 (Avg)	3 (Min)	1/week
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/week

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PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Biomonitoring	---	---	See Section D	See Section D	1/quarter

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b. These requirements are consistent with the current permit.

BOD₅ - the monthly average concentration limit is based on the TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin which were finalized on April 2, 2008. According to the TMDL assessment for Subsegment No. 120102, the monthly average concentration limit for BOD₅ was reduced from 10 mg/L to 5 mg/L. Monthly average mass limits were also assigned to this permittee using the monthly average concentration limit of 5 mg/L and the flow rates from the TMDL assessment. However, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams. The daily maximum concentration limit will be reduced from 15 mg/L to 10 mg/L by BPJ taking into consideration the reduction required by the TMDL assessment.

TSS - the daily maximum concentration limit is based on the Water Quality Regulations cited at LAC 33:IX.707.D.2.c, the current permit, and the TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, TDS, Sediment, TSS, and Turbidity for Selected Subsegments in the Terrebonne Basin which were finalized on April 19, 2007. According to the TMDL assessment for Subsegment No. 120102, a daily maximum mass limit for TSS was assigned to this permittee using the daily maximum concentration limit of 50 mg/L from the current permit and the flow rate from the TMDL assessment. Although the TMDL did not specify a particular outfall, it was assumed by BPJ that the mass limit applied to both outfalls (combined). However, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams.

Annual BOD₅ and TSS Discharge Limitations

Annual average mass limits for BOD₅ and TSS will be established to comply with the federal guidelines cited at 40 CFR 409, Subpart D [409.42(b)].

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The annual average limits for BOD₅ and TSS permitted to be discharged shall be calculated by multiplying the total tons of gross cane ground from the last season in which cane was ground by 1.26 lbs/ton and 0.94 lbs/ton, respectively. A reporting requirement will also be established that requires the permittee to report on an annual basis the total pounds of BOD₅ and TSS discharged, the total number of days that a discharge occurred, and the tons of gross cane ground during the last season in which cane was ground. See Part II.H and Attachment A of the draft permit.

Dissolved Oxygen - the monthly average limit is based on the *TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin* which were finalized on April 2, 2008. According to the TMDL assessment for Subsegment No. 120102, the monthly average concentration limit for Dissolved Oxygen was increased from 4 mg/L to 5 mg/L. The minimum concentration limit is based on the Water Quality Regulations cited at LAC 33:XI.707.D.2.c and the current permit.

pH - limits are established in accordance with LAC 33:IX.1113.C.1. These requirements are consistent with the current permit.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENTS

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. **For first time permit issuance**, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2522.B.14 [40 CFR 122.26(b)(14)].

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS

Technology-based effluent limitations and/or specific analytical results from the permittee's application for Outfall 001 were screened against state water quality numerical standard based limits by following guidance procedures established in the Permitting Guidance Document for

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Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008. Calculations, results, and documentation are given in Appendix A.

In accordance with LAC 33:IX.2707.D.1/40 CFR § 122.44(d)(1), the existing (or potential) discharge (s) was evaluated in accordance with the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008, to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." Calculations, results, and documentation are given in Appendix A.

The following pollutants received water quality based effluent limits:

<u>POLLUTANT(S)</u>
None

A water-quality screening was not performed for Outfall 003 since the facility's 2009 application did not contain analytical data for the pollutants that are listed in the screening tool used by this Office.

TMDL Waterbodies

Subsegment No. 120102 of the Terrebonne River Basin is not listed on the 2006 Final Integrated 303(d) List as impaired for Organic Enrichment/Low Dissolved Oxygen (DO), Sedimentation/Siltation, Total Suspended Solids (TSS), Pathogen Indicators, Sulfates, and Total Dissolved Solids (TDS) since the Total Maximum Daily Loading (TMDL) assessments for these impairments have been finalized. These pollutants of concern have been addressed in the following TMDL assessments:

Organic enrichment/low DO and Nutrients

The TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin were finalized on April 2, 2008. According to the TMDL for DO, the following concentration and mass limits (after rounding) have been assigned to the permittee:

Outfall 001		
Parameter	Monthly Average	
	Concentration Limits (mg/L)	Mass Limits (lbs/day)
BOD ₅	5.0	709
DO	5.0	---
Ammonia	1.25	177

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Outfall 001		
Parameter	Monthly Average	
	Concentration Limits (mg/L)	Mass Limits (lbs/day)
Organic Nitrogen	0.83	118

Outfall 003		
Parameter	Monthly Average	
	Concentration Limits (mg/L)	Mass Limits (lbs/day)
BOD ₅	5.0	584
DO	5.0	---
Ammonia	1.25	146
Organic Nitrogen	0.83	97

For BOD₅ and DO, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams. Therefore, the monthly average concentration limit of 5 mg/L for BOD₅ and DO will be established in the draft permit. The daily maximum concentration limit for BOD₅ will be reduced from 15 mg/L to 10 mg/L by BPJ taking into consideration the reduction required by the TMDL assessment.

For Ammonia and Organic Nitrogen, the concentration and mass limits were assigned as default values in order to run the modeling projections. According to the TMDL assessment, "these results do not require ammonia or organic nitrogen permit limits" for the point source dischargers included in the TMDL assessment. The TMDL further stated that "if LDEQ determines there is no reasonable potential for a discharger to exceed the ammonia or organic nitrogen WLAs, then a permit may omit these parameters and still comply with this TMDL". Therefore, since discharges from sugar mills do not contribute a significant source of nitrogenous oxygen demand loading as per the Water Quality Modeling Section, the limits for these parameters will not be established in the draft permit.

According to the TMDL assessment for Nutrients, water quality data for Total Phosphorus, Nitrate-Nitrite, and Total Kjeldahl from non-nutrient impaired subsegments were compared against data for the nutrient-impaired subsegments identified in the TMDL. As a result, no nutrient reductions were deemed necessary since the total nitrogen to total phosphorus ratio and mean concentrations in the nutrient-impaired subsegments were within

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the ratio and mean concentration ranges for the non-impaired subsegments. Therefore, the monitoring requirements for Total Nitrogen and Total Phosphorus will be removed from draft permit.

Sedimentation/Siltation, TSS, Sulfates, and TDS

The TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, TDS, Sediment, TSS, and Turbidity for Selected Subsegments in the Terrebonne Basin were finalized on April 19, 2007. For Sediment and TSS, it was assumed that the TMDL assessment for TSS would address the sediment impairment since "there are no criteria for sediment and sediment is closely related to TSS". According to the TMDL assessment, the permittee was assigned a mass limit for TSS of 3.1295 tons/day (or 6,259 lbs/day) using a daily maximum concentration limit of 50 mg/L from the current permit and the flow rate from the TMDL assessment. Although the TMDL did not specify a particular outfall, it was assumed by BPJ that this mass limit applied to both outfalls (combined). However, this Office has determined that concentration limits provide more protection as a controlling factor since the discharges from these outfalls flow into effluent dominated receiving streams. Therefore, the daily maximum concentration limit for TSS will be retained from the current permit.

As for Sulfates and TDS, this permittee was not assigned wasteload allocations for these impairments; therefore, no limits will be placed in the draft permit.

Pathogen Indicators

The TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, TDS, Sediment, TSS, and Turbidity for Selected Subsegments in the Terrebonne Basin were finalized on April 19, 2007. According to the TMDL for Fecal Coliform Bacteria, only those facilities that previously contained limits for this parameter were included in the TMDL. This TMDL did not provide for more stringent limits than those already in place by the LDEQ. This facility does discharge a small amount of sanitary wastewater combined with cane washwater and stormwater runoff from Outfall 003. However, due to the infrequency of the discharges from Outfall 003 (the last discharge from this outfall occurred in 2007), there is no reasonable potential for this discharge to cause or contribute to this impairment.

A reopener clause will be established in the permit to include more stringent limits, if needed, as a result of any modifications to the TMDLs.

D. Biomonitoring Requirements

It has been determined that there may be pollutants present in the effluent which may have the potential to cause toxic conditions in the receiving stream. The State of Louisiana has established a narrative criteria which states, "toxic substances shall not be present in quantities that alone or in combination will be toxic to plant or animal life." The Office of Environmental Services requires the use of the most

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recent EPA biomonitoring protocols. See Appendix B for the Biomonitoring Recommendation.

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit for Outfall(s) Outfalls 001 and 003 (separately) are as follows:

TOXICITY TESTS

FREQUENCY

Chronic static renewal 7-day
 survival and reproduction test
 using Ceriodaphnia dubia
 [Method 1002.0]

1/quarter

Chronic static renewal 7-day
 larval survival and growth test
 using fathead minnow (Pimephales
promelas) [Method 1000.0]

1/quarter

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, EPA/600/4-89/001, March 1989." The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge in accordance with regulations promulgated at LAC 33:IX.2715/40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be documented in a full report according to the test method publication mentioned in the previous paragraph. The permittee shall submit a copy of the first full report to the Office of Environmental Compliance. The full report and subsequent reports are to be retained for three (3) years following the provisions of Part III.C.3 of this permit. The permit requires the submission of certain toxicity testing information as an attachment to the Discharge Monitoring Report.

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of

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LAC 33:IX.3105/40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

Dilution Series

The permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100% effluent.

X. Compliance History/DMR Review:

- A. LDEQ records were reviewed for the period of December 2007 through December 2009. One water enforcement action (WE-CN-07-0029) was issued on April 8, 2008 to this facility during this time period for unauthorized discharges of molasses and massecuite (mixture of molasses and sugar) and permit violations. There are no other open enforcement actions listed for this facility under any other media during this time period.
- B. A DMR review of the monitoring reports covering the monitoring period of April 2004 through December 2009 revealed the following effluent exceedances:

DATE	PARAMETER	OUTFALL	REPORTED VALUE	PERMIT LIMITS
12/08	BOD ₅	001	21.3 mg/L	15 mg/L (Daily Maximum)
01/09	BOD ₅	001	34.9 mg/L	15 mg/L (Daily Maximum)

A compliance referral was forwarded to the Office of Environmental Compliance/Water Enforcement Division on January 22, 2010, for the effluent exceedances noted above.

- C. The most recent inspection was conducted on January 31, 2008. During the course of the inspection, the following concerns were noted (1) A DMR review revealed that there was one effluent violation at Outfall 001 in December 2006; (2) The pH meter calibration records did not include as left values; (3) Samples are stored in the laboratory refrigerator for less than an hour before they are picked up by the contract laboratory. The refrigerator did not have a certified thermometer; (4) The 4,000 gallon diesel fuel tank drain valve was open. There was a small amount of diesel on the ground near the valve; and (5) The annual stormwater inspections were not being conducted.

On or about June 12, 2008, a NOTICE OF DEFICIENCY (NOD) was issued to the facility regarding the areas of concern noted during the January 31, 2008 inspection. In response to the NOD, the facility

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submitted a written response to the LDEQ on July 18, 2008. On or about December 8, 2008, the LDEQ issued a DEFICIENCY CLEAR LETTER which stated that the areas of concern identified in the NOD had been addressed.

A request to re-inspect this permittee's facility was forwarded to the Office of Environmental Compliance/Surveillance Division on January 22, 2010.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

XI. Endangered Species:

The receiving waterbodies, Subsegment No. 120102 of the Terrebonne River Basin are not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 11, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

XII. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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XIII. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

XIV. Variances:

No requests for variances have been received by this Office.

XV. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List